REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. Claims 1-61 remain pending in this application. This application has been carefully reviewed in light of the Official Action mailed March 25, 2005. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 1-61 stand rejected as obvious over U.S. Patent No. 6,591,266 ("Li") in view of U.S. Patent No. 6,697,849 ("Carlson"). Applicant respectfully traverses this rejection.

The effective date of a U.S. patent U.S. patent application publication, or international application publication under PCT Article 21(2) is the earlier of its publication date or date that it is effective as a reference under 35 U.S.C. 102(e). *See* 37 C.F.R 1.131. Applicant notes that the effective date on which the Li reference becomes available as prior art is the filing date of U.S. Provisional Patent Application No. 60/218,418 on which Li is based. Namely, July 14, 2000. Applicant respectfully submits that the subject matter of the present application was invented before the July 14, 2000 effective date of the Li reference, as brought to the Examiner's attention in the reply to Office Action filed on August 25, 2005.

More specifically, in the previous response to Office Action filed on August 25, 2005 the Applicant submitted a Declaration Under 37 C.F.R. 1.131 (the "O'Connell Decl.") ¶¶1-5, which is appended hereto as Exhibit 1, to prove that the subject matter of Claims 1-61 of the present application was invented prior to the effective date of the Li reference.

Exhibit 1 avers that Mr. Conleth S. O' Connell (an employee of Vignette Corporation) conceived of the invention of the present application prior to July 14, 2000, the filing date of the provisional application to which Li claims priority. More specifically, in Exhibit 1 Mr. Conleth S. O' Connell avers that the invention of the present application was conceived of on or before January 7, 2000. This averment is further supported with the evidence of the email and attachment sent by Mr. O'Connell on January 7, 2000. Thus, Mr. O'Connell avers, and the attachment to the email of January 7, 2000 demonstrates, a conception of the invention described and claimed in the present application on or before January 7, 2000. *See*, Exhibit 1, ¶¶1-5.

The Examiner states, however, that he believes that the evidence in the submitted O'Connell Decl. is insufficient to establish conception of the invention. Additionally, the Examiner questions the validity of the email in Exhibit A because the Examiner notes the time stamp and header were missing. The Applicant regrets that header information was inadvertently left off the email included in Exhibit 1 and has included the original email, which includes the missing header information, as Exhibit 2 appended hereto.

Regardless of the missing header information or the Examiner's belief regarding the sufficiency of the evidence, the Examiner should note that "the examiner must consider all of the evidence presented in its entirety, including the affidavits or declaration and all accompanying exhibits, records and notes. An accompanying exhibit need not support all claimed limitations, provided that any missing limitation is supported by the declaration." *See*, MPEP §715.07. The Examiner must consider the evidence in its entirety "including the affidavits or declarations . . and if the dates of the exhibits have been removed or blocked off, the matter of dates can be taken care of in the body of the oath or declaration." *See*, *id.* Moreover, averments in a 37 C.F.R. §1.131 declaration "do not require corroboration." *See, id.* (emphasis added). In other words, Applicants' statements in a 37 C.F.R. §1.131 declaration are evidence that do not require additional corroboration.

Thus, in particular, the Applicants statement that "the invention claimed in the...patent application was conceived at least as early as January 7, 2000," does not require corroboration, and must be considered by the Examiner, irrespective of any evidence included to support this averment. *See*, Exhibit 1, ¶1.

As the subject matter of the present application was conceived on or before January 7, 2000 and subsequently reduced practice by the filing of a provisional patent application on September 29, 2000; Applicant respectfully submits that the subject matter of the present application was invented prior to July 14, 2000, the effective data on which the Li reference is available as prior art under 35 U.S.C. 102(e). Consequently, Applicant respectfully submits that the Li reference is not available as prior art under 35 U.S.C. 103, and respectfully requests the withdrawal of the rejection of Claims 1-61 over the combination of the Li and Carlson references.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-61.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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